
In the United States Bankruptcy Court
for the
Southern District of Georgia
Savannah Division

In the matter of:)	
)	
LARRY ALLEN DENNIS)	Adversary Proceeding
(Chapter 7 Case <u>93-40713</u>))	Number <u>93-4147</u>
)	
<i>Debtor</i>)	
)	
)	
)	
JAMES L. DRAKE, JR.,)	
TRUSTEE))	
)	
<i>Plaintiff</i>)	
)	
)	
)	
v.)	
)	
LARRY DENNIS II)	
TAMMY ANN DENNIS)	
)	
<i>Defendants</i>)	

**ORDER ON DEFENDANT'S MOTION TO ALTER, AMEND,
OR VACATE ORDER OF SEPTEMBER 20, 1995**

In the above case, James L. Drake, Jr. (hereinafter "Trustee"), instituted an

adversary proceeding to void the transfers of real estate from the debtor, Larry Allen Dennis, to his son, Larry Dennis, II, and then from the son to the debtor's wife, Tammy Ann Dennis. On October 4, 1994, this Court voided the previously mentioned transfers of real estate, vested title in Trustee, and ordered the defendants to surrender possession of the property. On September 20, 1995, this Court, responding to Trustee's motion to compel surrender of the property, abstained from exercising its authority under § 105 to compel surrender because the state court provided an alternate and more convenient forum.

Within the order of September 20, 1995, this Court stated the following:

Because Defendants, Larry Dennis, II, and Tammy Ann Dennis have exhausted their appeals, Trustee now moves this Court to enforce its Order of October, 4, 1994, to compel Debtor, and the Defendants in this case to surrender possession.

Order on Plaintiff's Motion to Compel Surrender of Property, Adv. Pro. 93-4147, Ch. 7 Case No. 93-40713, slip op. at 2 (Bankr.S.D.Ga., Sept. 20, 1995)(Davis, J.). Defendants request this Court to alter its opinion to reflect that the Eleventh Circuit currently is considering a final appeal of Defendants. The Defendants' Motion is granted.

The Order of September 20, 1995, in pertinent part, is amended to read as follows:

Because Defendants, Larry Dennis, II, and Tammy Ann Dennis have exhausted all but one of their appeals, Trustee now moves this Court to enforce its order of October 4, 1994, to compel Debtor, and the Defendants in this case to surrender possession.

The remainder of the Order of September 20, 1995, remains unchanged.

O R D E R

Pursuant to the above mentioned reasons, IT IS THE ORDER OF THIS COURT that the Defendants motion to alter is GRANTED.

Lamar W. Davis, Jr.
United States Bankruptcy Judge

Dated at Savannah, Georgia

This _____ day of October, 1995.